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MIDWEST COMMERCE BANKING COMPANY BUILDING

SUITE 402

121 WEST FRANKLIN STREET

ELKHART, INDIANA 46516

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294-5541

AREA CODE 219

January 7, 1987

Ms. Susan Swales
U.S. Environmental Protection Agency
CERCLA Enforcement Section 5HE-12
230 South Dearborn Street
Chicago, IL 60604

RE: County Road 10 Land Fill

Dear Ms. Swales:

This letter is in response to your letter dated December 5, 1986 addressed to Mr. Charles Himes, and is intended to supplement our earlier response to you dated November 13, 1986, on behalf of Himco Waste-Away Services, Inc..

With regard to Question No. 2, Himco has checked its files and confirmed that they do not have any invoices at all for the period in question or otherwise pertaining to the referenced site. They are still checking, however, to determine if they may have, in any of their closed customer files any purchase orders issued by their customers relating to that period of time or to the referenced site. Our client hopes to complete the search for these documents although they are not aware of any such documents, in the very near future. As soon as that is completed we will either confirm to you that there are no such documents or we will provide you copies of any such documents which are discovered.

With regard to Question No. 6, our initial response was correct in that Charles H. Himes, Sr., doing business under one or more names, was the operator of the land fill. Himco Waste-Away Service, Inc. did, however, use the facility and therefore is familiar with the daily disposal practices. Based upon my telephone conversation with you concerning the type of additional information which you wanted concerning the daily disposal practices, we would supplement our earlier response as follows:

To the best of our knowledge, during the period from 1965 through 1973, the site was operated as an open dump. Non-burnables, such as calcium sulfate and miscellaneous pharmaceutical wastes were disposed of in the low lying or swampy areas and also in areas where

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soil was excavated for cover material. The miscellaneous pharmaceutical wastes to the best of our knowledge, consisted of ground up bottles containing products from Miles Laboratories and/or Whitehall Laboratories.

Burnable materials were burned in a series of five (5) open trenches. The ashes were bulldozed to the end of the trench to make room for more trash. Burning was discontinued sometime in the early 1970's. All waste materials were then disposed in the low lying areas using the trench method and covered daily or every other day with approximately two or more feet of calcium sulfate. Calcium sulfate was covered as needed with one-half to two and one-half feet of dirt excavated from the adjoining areas. Depth of fill varies from approximately six to eighteen feet. Filling activities were discontinued in mid to late 1976. No items of waste were segregated or disposed of in any special or separate area, with the exception of calcium sulfate. The calcium sulfate was dumped separately and used as additional cover material as set forth above.

The contracts with Miles Laboratories did provide that Himco Waste-Away Service, Inc. was to provide insurance. The insurance which Himco Waste-Away Service, Inc. provided under the contract was its basic public liability and property damage insurance coverage for its vehicles. Himco has also checked all of its records and has no information concerning any insurance coverage prior to 1979. We have, however, contacted the company's insurance agent to see if they have any record of any other insurance policies. We hope to have that information very shortly and will provide that to you as soon as it is received.

After you have had an opportunity to review the supplemental responses, would you please call me to confirm to us that these responses do provide you with the additional items you requested. At that time I will also hopefully be able to provide with whatever additional information, if any, we have been able to gather as set forth above.

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This response has not been verified by Mr. Himes, as he is out of town and not able to sign a verification. If you should want the information verified, I will be happy to have Mr. Himes verify it as soon as he returns to town. If you do have any other questions, I will look forward to hearing from you so that we may get them cleared up.

Sincerely yours,

CHURCH, NILSSON & PAULEN



Geoffrey K. Church

GKC/lm

CHURCH, NILSSON & PAULEN

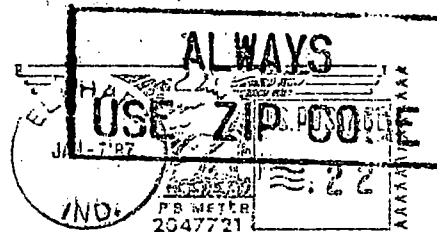
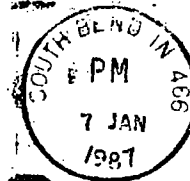
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Ms. Ms. Susan Swales
U.S. Environmental Protection Agency
CERCLA Enforcement Section 5HE-12
230 South Dearborn St.
Chicago, IL 60604

DEC 1986

SHE-12

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Charles Himes
707 Mildwood Avenue
Elkhart, Indiana 46514

Re: Himeo Landfill

Dear Mr. Himes:

The United States Environmental Protection Agency (U.S. EPA) is in receipt of your response dated November 3, 1986, regarding the above referenced site. Your response causes the U.S. EPA concern because it is incomplete.

The information request issued under CERCLA 104(e) and RCRA 3007 requires you to answer the questions set forth as fully as possible. In your response to question #2 you state that there may be files in your possession which include invoices with pricing information, but that you did not search these files. This information is of interest to the U.S. EPA and should have been submitted as part of your response.

Your response states that Charles H. Himes Sr. was the sole owner of the landfill in the response to question #5. The U.S. EPA understands that you operated the above referenced site and would therefore have information on the daily disposal practices.

Your response included contracts with Miles Laboratories for waste disposal and in those contracts there were provisions for insurance. However, in your response to question #8, you state that you had no liability insurance. Please clarify this point.

The U.S. EPA requests you to search your records and submit any documents which may relate to the above referenced site. The U.S. EPA also requests that you address our concerns over your initial response to the information request. The information sought must be submitted to the U.S. EPA within ten(10) calendar days of your receipt of this letter.

Under Section 3008 of RCRA, 42 U.S.C. § 6928, failure to comply with this request may result in an order requiring compliance or in a civil action for appropriate relief. These provisions also provide for civil penalties. Failure to comply with this request under Section 104 of CERCLA, 42 U.S.C. § 9604, may result in a civil enforcement action being brought against you by the U.S. EPA.

Your response should be sent to:

Susan Swales
U.S. Environmental Protection Agency
CERCLA Enforcement Section 5HE-12
230 South Dearborn Street
Chicago, Illinois 60604

Sincerely,

~~ORIGINAL SIGNED BY~~
~~WILLIAM E. MUNO FOR~~

ORIGINAL SIGNED BY
WILLIAM H. MINER

William Miner, Chief
Hazardous Waste Enforcement Branch

cc: Gregory Church

bcc: V. Franklin *ore*

5HE-12: CERCLA:ESU:SSwales:sw:11/25/86

12/1/86

*cm4
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*DJB-for N.N.
CES/12-2-86*

*Wdk
12/4/86*